

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFREY WONSER,

Plaintiff,

v.

Case No.: 2:24-CV-02160

Judge Sarah D. Morrison

Magistrate Judge

Elizabeth A. Preston Deavers

CHARLES L. NORMAN, *et al.*,

Defendants.

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), meetings were held through email and by telephone on July 22-23, 2024 and was attended by:

Brian Bardwell, counsel for plaintiff Jeffrey Wonser, and,

Ryan C. Spitzer, counsel for defendants Charles L. Norman, Andy Wilson, and Thomas Stickrath,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

 X Yes No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by August 22, 2024.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

_____ Yes X No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any amended complaint may be filed by July 30, 2024. Defendants anticipate filing a Motion for Judgment on the Pleadings shortly after the 7/30/24 pretrial.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by_____.

5. MOTIONS

- a. Are there any pending motion(s)?

_____ Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

_____ Yes _____ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by_____; Reply brief to be filed by_____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Mr. Wonser applied for a vanity license plate reading “F46 LGB,” but the BMV denied Mr. Wonser’s application and subsequently denied the appeal of the initial application denial. Mr. Wonser is bringing claims under Section 1983 and a state-law analogue generally alleging that the BMV’s limits on the content of vanity license plates violate his right to free speech. The parties have demanded a jury.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by April 15, 2025. The parties to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.
- b. Do the parties anticipate the production of ESI? X Yes No
The parties agreed to produce audio, video, and photographic evidence in their original format; and to produce written documents in searchable PDF format, with original formats to be produced on request with the producing party expected to comply to the extent no undue burden exists under FRCP 26.
- c. Do the parties intend to seek a protective order or clawback agreement? Yes.
If yes, such order or agreement shall be produced to the Court by October 11, 2024.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by May 16, 2025.
- b. Are the parties requesting expedited briefing on dispositive motions?

_____Yes XNo

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by February 15, 2025.
- b. Rebuttal expert reports must be produced by March 15, 2025.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by August 30, 2024. Defendant will respond by September 27, 2024. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

January 2025

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

 Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place in chambers by telephone.

 X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Signatures:

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